

104TH CONGRESS
1ST SESSION

S. 53

To amend title 18, United States Code, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 1995

Mr. THURMOND introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit any person who is being compensated for lobbying the Federal Government from being paid on a contingency fee basis.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That chapter 11 of title 18, United States Code, is amend-
4 ed by—

5 (1) inserting between sections 219 and 223, the
6 following new section:

1 **“§ 220. Contingency fees in lobbying**

2 “(a)(1) It shall be unlawful for any person to make,
3 with intent to influence, any oral or written communica-
4 tion on behalf of any other person other than the United
5 States to any department, agency, court, House of Con-
6 gress, or commission of the United States, for compensa-
7 tion if such compensation has knowingly been made
8 dependent—

9 “(A) upon any action of Congress, including
10 but not limited to actions of either the House of
11 Representatives or the Senate, or any committee or
12 member thereof, or the passage or defeat of any pro-
13 posed legislation;

14 “(B) upon the securing of an award, or upon
15 the denial of an award, of a contract or grant by es-
16 tablishment of the Federal Government; or

17 “(C) upon the securing, or upon the denial, of
18 any Federal financial assistance or any other Fed-
19 eral contract or grant.

20 “(2) The provisions of paragraph (1) shall not apply
21 in any case involving the collection of any amount owed
22 on a debt or on a contract claim owed to a person by the
23 Federal Government.

24 “(b) Any person who violates the provisions of this
25 section shall be fined not more than \$50,000 or impris-
26 oned not more than two years, or both.

1 “(c) The Attorney General may bring a civil action
2 in any United States district court, on behalf of the United
3 States, against any person who engages in conduct prohib-
4 ited by this section in lieu of or in addition to an action
5 taken pursuant to subsection (b), and, upon proof of such
6 conduct by a preponderance of the evidence, may recover
7 twice the amount of any proceeds obtained by that person
8 due to such conduct. Such civil action shall be barred un-
9 less the action is commenced within six years after the
10 later of (1) the date on which the prohibited conduct oc-
11 curred, or (2) the date on which the United States became
12 or reasonably should have become aware that the prohib-
13 ited conduct had occurred.”; and

14 (2) amending the table of sections by striking
15 out the item between the item relating to section
16 219 and the item relating to section 224 and insert-
17 ing in lieu thereof the following:

“220. Contingency fees in lobbying.”.

18 SEC. 2. This Act and the amendments made by this
19 Act shall become effective on the date of enactment of this
20 Act and shall apply to any contract entered into on or
21 after such date of enactment.

○